

Settlement Agreement – United States through the Department of Justice with Shelby County, Tennessee, the County Mayor and the County Attorney, and the Juvenile Court of Memphis and Shelby County (JCMSC).

Third Compliance Report – Equal Protection

Michael Leiber, Ph.D., Equal Protection Monitor
Criminology
University of South Florida
4202 East Fowler Ave, SOC 107
Tampa, FL 33620-8100
mjleiber@usf.edu
(813) 974-9704

Submitted June 24, 2014

INTRODUCTION

A Memorandum of Agreement regarding the Juvenile Court of Memphis and Shelby County was signed December 17, 2012 by the United States Department of Justice, Civil Rights Division, and the County Mayor and County Attorney, and the Juvenile Court of Memphis and Shelby County (JCMSC). Referred from this point on as juvenile court. To address the administration of juvenile justice for youth facing delinquency before the juvenile court and the conditions of confinement of youth at the detention center operated by the juvenile court.

The Parties selected Dr. Michael J. Leiber as the Equal Protection Monitor of the Agreement. The Agreement requires the Monitor to assess the level of compliance by the juvenile court every six months and to produce reports. The first Monitor's report was submitted on June 12, 2013 and covered the time frame December 12, 2012 to May 12, 2013. The second Equal Protection Monitor Report was submitted on January 16, 2014. This is the Equal Protection Monitor's third report on movement toward compliance on the items stipulated in the Agreement as pertaining to Equal Protection. The time-frame assessed is December 12, 2012 to May 9, 2014. The evidentiary basis for his opinions are based on document reviews (policies, data, compliance report by the Settlement Agreement Coordinator, reports provided by the Disproportionate Minority Contact Coordinator or DMC Coordinator, meeting notes, emails, etc.), an on-site visit (April 8 through April 10, 2014), interviews and phone-calls with Staff, the DMC Coordinator, the Settlement Agreement Coordinator, and conference calls with Staff and the Office of Juvenile Justice & Delinquency Prevention (OJJDP).

In the determination of racial disparity in JCMSC's administration of juvenile justice, evaluations were conducted of the level of the disproportionate minority contact (DMC) at various stages or points of contact within the juvenile court (referral to court, cases diverted, secure detention, petition, findings of delinquency, probation, placement in secure confinement, waiver to adult court). In addition, a DOJ study was conducted of decision-making at each stage of juvenile justice proceedings. Results from that examination of the extent of DMC and the DOJ study that examined the possible causes of DMC showed the following: minority youth overrepresentation at almost every stage in the proceedings and evidence of discriminatory treatment of Black youth.

The Agreement indicates provisions (or things to do) and within time-lines to reduce the presence of Black youth in the juvenile justice process and to ensure greater fairness for all youth. In general, the Agreement focuses on procedural changes as pertains to equal protection (e.g., objective decision making tools), cultural/gender sensitivity training, management of and evaluation of data to observe patterns at points of contact (referral, probation, detention, etc.) and inform possible changes to reduce DMC and the development and use of strategies to divert youth away from court referral and secure detention and transfer to adult court. There is also a requirement to develop linkages with the community for the purpose of informing the general public of the progress toward reform and to improve and further build relations between the community and Juvenile Court of Memphis and Shelby County (Juvenile Court).

OVERALL SUMMARY AND IMPRESSIONS UP TO THIS POINT IN THE AGREEMENT

The summary and impressions discussed reflect activities up to May 15, 2014. As stated in the first Equal Protection Compliance Report, the Juvenile Court had attempted to address DMC prior to and as a result of the Agreement being signed in December of 2012. These efforts included but not limited to: working with the Annie E. Casey Foundation in 2011 to examine juvenile detention practices; participation in the Memphis and Shelby County DMC Task Force, a Juvenile Detention Alternatives Initiative - JDAI; the School House Adjustment Program (SHAPE), a program started as a DMC pilot project in 2007 to provide intervention other than juvenile court referral for students who commit minor offenses; the Memphis Youth Violence Prevention Plan Project in the spring of 2011; the Urban Youth Initiative, a faith-based program designed to address and reduce juvenile crime and violence, and the Detention Assessment Tool (DAT) in 2004-06. Some of these efforts were specifically directed at DMC (e.g., SHAPE) while others indirectly impacted DMC (e.g., JDAI).

Positives: Since the Agreement, the Juvenile Court and the County have been cooperative with DOJ, the Monitor and the adoption of the MOA and have taken a number of steps toward attempting to comply with the Agreement:

- (1) The appointment of a DMC Coordinator;
- (2) The use of the Summons program;
- (3) Further use and expansion of the Schoolhouse Adjustment Program Enterprise (SHAPE);
- (4) The continuation of working with JDAI and the attempt to reform the detention process;
- (5) The establishment of the Community Consortium and other efforts involving community outreach (i.e., a Twitter account, Facebook, webpage, speaking engagements);
- (6) The development of a pilot program with the Sheriff's Department designed to reduce transports with discussions to have Memphis Police Department participate;
- (7) Working with OJJDP and JDAI in the areas of training and technical assistance;
- (8) Gathering data and generating internal reports to highlight and monitor the extent of DMC at stages within the juvenile justice system;
- (9) The formation of a committee comprised of Points of Contact - specific individuals and positions named within each department responsible for delinquency matters including but not limited to probation, detention, and the Juvenile Court Magistrates;
- (10) Gathering information on available services and diversion options and differentiated by the race/ethnicity of the youth placed in these services and geographic region, including zip code;
- (11) A strategic plan to address DMC within the Juvenile Court has been developed;
- (12) Discussions on policies and procedures in particular, detention, a graduated sanction grid for probation services, and adoption and training in the use of the Youth Assessment screening Instrument (YASI); and
- (13) Discussions with law enforcement agencies including the Memphis Police Department to develop day/evening reporting centers;
- (14) Community out-reach – the distributions of pamphlets, town-hall meetings, speaking engagements, a DMC Summit, contracting with Dr. Harris to conduct surveys, focus groups, etc. with families and juveniles involved with the juvenile justice system, etc.

Need For Improvement: the Juvenile Court and the County are to be commended for the activity that has occurred. However, as stated in the first two Equal Protection Compliance Reports and reiterated here again in this third Equal Protection Report, the following areas are in need of improvement:

- (1) Existing programs need to be used with a larger number and range of youth, such as SHAPE, Porter Leath, and/or more effectively (e.g., Community Consortium). SHAPE cost verified at approximately \$5,000 per school on March 20, 2014. SHAPE is funded by Shelby County Schools, which plans to expand the program from the current 21 schools for 2014-15. Requests for funding to expand Porter Leath's capacity for detention alternatives were denied by the County Commission in the April and May 2013 budget hearings for FY2014. Porter Leath currently provides two beds for boys and two for girls at its own cost.
- (2) Furthermore, while the Summons program and the pilot program with the Sheriff's Department are initiatives which may reduce entry to secure detention, the Juvenile Court needs to develop policies and programs to reduce delinquent referrals in general (e.g., do not take youth from police who are involved in minor activity, establish alternatives to court referral, etc.). the Juvenile Court and the Memphis Police Department need to come together to address this issue with action, not simply discussion. There is a need to develop and implement a policy(s) to reduce the number of youth overall referred to juvenile court and in particular, Black youth. Granted, efforts have been made but discussion needs to lead to results – that is, programs and policies need to be developed and used to reduce the number of youth referred to juvenile court and secure detention to reduce DMC.
- (3) While information has been gathered, there is still a need to interpret the data; determine what it means for DMC, what can be done to reduce DMC, what barriers or challenges exist and how these can be addressed. This applies to not only the Points of Contact (POC) but as well to those in charge of the gathering of information that lists programs and services used by the court to treat/intervene into the lives of youth and whether those most in need are being served. In addition, there has been continued confusion as to whether magistrates should be a Point of Contact (POC) though magistrates have submitted monthly reports. The most recent information that I received is that magistrates will not be a point of contact. If this is true, these people need to be replaced with a new person(s). In the next month, I will have a teleconference to once again discuss the POC – issues to be discussed, who is serving as the POC, what role and responsibilities and how often should POC meet to discuss monthly reports. Following the drafting of this report, the POC assignment was resolved and magistrates will continue to serve in this capacity.
- (4) As stated in the 2nd report, there is a need for involvement by all parties at all levels - the DMC Coordinator, Staff and in particular, those involved as the Points of Contact, and Administrators for DMC to be reduced and for gaining compliance with the Agreement. Again, Administration MUST take an active role in this process and in particular with the POC's to show that the process is meaningful and the POCs are being heard.

- (5) While technical assistance has been requested and used (visited) for various training, JCMSC needs to continue to move on the following: the operationalization and implementation of the strategic plan, implementation of objective tools to structure decision making at what is referred to as non-judicial outcomes (often referred to as intake) and the graduate sanction grid. Although the validation of the DAT has been in place since January 2014, validation needs to continue and should include all instruments. The validation of the DAT (Field Test and Validation Test) is in the process of being conducted by Dr. Burt Burraston with the University of Memphis (U of M) Department of Criminology and Criminal Justice. In accordance with the timeline in the contract with the U of M, the court should be expecting the final report complete with recommendation this month (June 2014). DOJ approved the YASI as an objective decision making tool on or about April 3, 2014, at which point JCMSC began a purchase contract process.
- (6) As noted in point 2, while efforts are being made to reform detention decision making and especially by the working relationship with JDAI, it is important to develop alternatives to both referrals in general and those to detention and in particular for youth charged with domestic disputes. Data continues to show that a significant number of Black youth are coming to juvenile court and to detention with a charge of domestic dispute, thus contributing to DMC. It is also important that detention reform reduce DMC.
- (7) The Community Consortium is being underutilized. Either new leadership and/or new members need to be considered. In addition, technical assistance should be provided to have the Consortium be more of a presence in the community as it relates to DMC, the efforts of JCMSC toward compliance, etc. Further the Consortium, the Court, and the DMC coordinator need to have a working relationship. In fact, the DMC coordinator and someone from the Court need to attend meetings and be a participant. The Consortium should also be able to request and receive in a timely manner information from the Court and with some conditions, access to visit the Court, hearings, and detention.

The DMC Coordinator has attended CJC meetings since November, 2013 and has offered assistance numerous times. During the last meeting (April) Thurston Smith addressed the members of the CJC about “voting” on whether or not the DMC Coordinator should have an open invitation to attend future meetings. Also, the DMC Coordinator requested Technical Assistance through OJJDP to assist the CJC in becoming active with their responsibilities, but Andrea Coleman controls this process and all parties are currently waiting for contract fees to be resolved.

The need for the continuation of the positive things that have occurred as well as improvement in the areas cited above is accentuated by a review of the Relative Rate Index (RRI) and the assessment study conducted by the Equal Protection Monitor. A summary of these findings is provided below. See Appendix 1 for the full report.

Examination of the Level and Causes of DMC

The Relative Rate Index (RRI) provides an indication of the extent of over-representation of youth of color in the juvenile justice system during a specified time-frame and at stages in the system. For the Juvenile Court, the RRI was used to measure the level of DMC at stages for Black youth as compared to White youth. While valuable, the relative rate index can only provide insight on the level of DMC at stages and cannot tell us WHY DMC is occurring. Instead, an assessment study using multivariate statistics in the form of logistic regression permits such an inquiry. Logistic regression is a statistical technique that takes into consideration a variety of factors to predict the likelihood of a case outcome. In essence, there is an attempt to model what legal (e.g., crime severity, prior record) and extra-legal (e.g., age, school performance) considerations used by decision-makers to arrive at an outcome. Legal factors and to some extent extra-legal factors can be relied upon to make a juvenile justice outcome due to its *parens patriae* foundation. Race, an extralegal factor, however, should not be predictive of a stage outcome once all legal and other extralegal factors are considered. If race does not have a statistically significant presence, then DMC is explained by differences, for example, in legal characteristics such as crime severity and prior record. If race is a statistically significant indicator, then something else in addition to legal and other extra-legal factors account for DMC, for example, possibly bias.

Relative rate indexes were examined for the years 2009 through 2013. Data for 2009 was taken from the Investigation of the Shelby County Juvenile Court (2012) which was based on data submitted by Shelby to the state of Tennessee. Data for 2010 through 2013 was provided by the Juvenile Court of Memphis and Shelby County (juvenile court). A relative rate index of 1 is neutral or 1 White per 100 youth to 1 Black per 100 youth. Anything above indicates minority overrepresentation; anything below, under- representation.

In short, Black youth are disproportionately represented in most stages and in particular, at referral to the juvenile court and secure detention. Black youth continue to be underrepresented in diversion. Declines in the RRI continue to exist at delinquent findings and confinement in secure facilities.

More specific, the relative rate indexes involving referrals to court **have increased every year** since 2009. In 2009, the RRI for referral is 3.4, 2010, 3.65, 2011, 4.25, 2012, 4.42 and in 2013, 5.06. Thus, a little over 5 Blacks per 100 youth are referred relative to 1 White youth per 100 youth in 2013. The increase in RRI levels appears to be a result of substantial declines in referral rates for White youth, without accompanying declines (of similar magnitude) in the referral rates for Black youth. The findings suggest the need for further investigation into the reasons for these occurrences. RRI values pertaining to secure detention initially showed a decline from 2.1 in 2009 to 1.32 in 2012. But in 2013, an increase in secure detention is evident at 1.64. Although the overall number of youth involving secure detention has reduced significantly over the years for both Whites and Blacks, **Blacks are still being detained more so relative to Whites**. This is an area that the Court will need to continue to address.

Black youth continue to be underrepresented for cases diverted. In 2009, the RRI was .90, in 2013, the RRI is .88. The relative rate resulting in delinquent findings for 2013 (1.16) shows a decline compared to 2012 (2.11). Rates for cases resulting in confinement in secure juvenile facilities continue to show a decline from 1.7 in 2009 to 1.30 in 2012 and 1.05 in 2013. The reduction in the RRI's overtime and in particular for 2013 is especially noteworthy.

In terms of the relative rate, youth waived to adult court has remained relatively the same from 2009 to 2012 (2.3 in 2009, 2.23 in 2012). RRI analyses for this decision stage were not conducted for the year 2013 as the number of cases was insufficient. It is important to point out that while the disparity between Whites and Blacks appears to have stayed relatively the same over the years, the number of youth waived to adult court has declined from 225 in 2008, to 199 in 2009, 151 in 2010, 121 in 2011, 99 in 2012 and 90 in 2013.

Recall that the RRI provides information concerning the extent of DMC and does not inform us of the causes of DMC. Next, following the pattern used in the DOJ findings report and the previous assessment study conducted by the Equal Protection Monitor, multivariate analysis, in the form of logistic regression, was used to give added insight into the predictors of case outcomes or the underlying causes of DMC, in order to assist the Court and County in developing strategies to reduce racial disparities.

For the purpose of this study, data was obtained directly from the Juvenile Court. This data was cleaned for the objective of conducting the research. More specific, raw data of all delinquent referrals in Shelby County from January 1, 2013 through December 31, 2013 (N=69,252) were provided. The dataset was converted from Excel to SPSS format and all analyses were conducted using the SPSS statistical software. The final data consists of N=8,969 distinct referrals for the one year period (2013). The sample parallels the Shelby county data by distinct complaints.

Detention. The DOJ study reported a strong relationship between race and detention in that Black youth were almost 2¾ times more likely to be detained than similarly situated White youth. In the first assessment study by Leiber, race was not found to be a statistically significant predictor of the detention decision once all legal and extralegal factors are taken into account. This does not mean that racial differences do not exist or can be ignored. Rather, it means that we can specify the way which such racial differences come into being and possibly fashion programs or revise policies to move toward greater equity. **In the present study**, while race was not found to have a statistically significant main effect with detention outcomes, there was the presence of an interaction effect involving race and being charged with a person offense. White youth charged with a person offense is inverse and not statistically significant. Black youth charged with a person offense is positive and statistically significant. In fact, **Black youth involved in a person offense increases the likelihood of being detained by over two times relative to other youth.** Most of the legal and extralegal variables predict detention as one would expect. For example, crime severity is predictive of detention.

Non-judicial. In the DOJ assessment study, Blacks were found to be less likely than similarly situated Whites to receive a warning and a fine, restitution or public service sanction. Or, in other words, Blacks were more likely than Whites to be referred for further juvenile court proceedings once controls are considered. The results from Leiber's first assessment study showed that this effect remained. Blacks were 1 and half times more likely than Whites to be referred to a court hearing net controls. **In the present study, race was not found to be a statistical significant determinant of decision making at this stage.** While there are some individual effects with the dependent variable by race comparisons of the coefficients failed to yield evidence of statistical significance. As at detention, this does not mean that racial differences do not exist or can be ignored. Rather, it means that we can specify the way which such racial differences come into being and possibly fashion programs or revise policies to move toward greater equity.

In the first assessment study by Leiber, differentiating among the non-judicial case options with warning as one variable and diversion as another variable with release as the reference group failed to produce evidence of race main or interaction effects with the dependent variable. **In the present study, similarly no main or interaction relationships were evident.** It is important to note that the non-judicial variable could also be treated as a trichotomy with release/warning (non-judicial), diversion (non-judicial), and a decision for a court hearing (judicial). The variable was constructed in this manner and estimations were conducted using multinomial logistic regression. Although not presented here, the results paralleled those reported here. Comparisons of coefficients failed to show evidence of statistically significant race interaction effects with other independent variables and decision at this stage.

Adjudication. In the first assessment study by Leiber, race by itself was not a significant predictor once controls were considered. Comparisons of coefficients revealed the existence of a race interaction relationship with the number of charges and the odds of being adjudicated. For Whites, the number of charges had an inverse or negative relationship with the dependent variable and was not statistically significant. For Blacks, the relationship was positive and statistically significant. Black youth with a greater number of charges increased the likelihood of adjudication by 2.15 relative to other youth net considerations of legal severity and other variables. **In the present study,** race once again is not by itself a statistically significant predictor of the decision making at this stage once controls are considered. Comparisons of coefficients reveal the existence of a race interaction relationship with gender and person offense. As can be seen, for Whites, gender has an inverse or negative relationship with the dependent variable and is not statistically significant. For Blacks, the relationship is positive and statistically significant. **Black females have an increased likelihood of adjudication** by 1.79 relative to White females net considerations of legal severity and other variables. A second interaction effect also exists. Black youth charged with a person offense reduces the likelihood of being adjudication by 39 percent whereas for **White youth charged with a person offense the effect is positive and increases the odds of being adjudicated** by over 4 times compared to other youth.

Judicial Disposition. In the first assessment study by Leiber, race has no main relationship with the dependent variable. However, two race interaction relationships were reported. Older Whites had a reduced probability of a receiving an out-of-home placement than older Blacks who had an increased odds of such an outcome. Being detained had also significant positive relationship with the dependent variable (increased odds of being taken out of the home). This effect was conditioned by race. Blacks held in detention had an increased likelihood of receiving the more severe judicial outcomes than similarly situated White youth once controls were taken into account. **In the present study**, once again race was not a statistically significant determinant of judicial disposition decision making. Differentiating the results by race, tests comparing coefficients produced two statistically significant interaction relationships. As in the first assessment study, **older Whites have decreased odds of receiving an out-of-home placement than other youth, including Blacks. White youth from a single-parent home are less likely to receive the more severe judicial disposition outcome than similarly situated Black youth.**

Note: Inquiries have revealed that Black youth charged with domestic assaults are being referred to juvenile court and contributing to their overrepresentation. An examination of the data shows that of the 783 cases involving this type of charge, 723 were Black or 92%. Selecting out for domestic assaults and treating it as a variable in the logistic regression models for each stage produced statistically significant results but the effects were inverse. Youth charged with a domestic assault often received the more lenient outcome at each stage once all controls were considered. Thus, domestic assaults contribute to Black youth overrepresentation at referral but as the proceedings move forward the youth is “kicked out” of the system.

Transfer/Waiver to Adult Court. In the DOJ findings report, Blacks were reported to be more likely to be recommended for Transfer Hearing than Whites. In Leiber’s first study, due to the lack of variability-not enough Whites- the waiver hearing was not examined. Logistic regression once again was not used **in the present study** to predict decision making at the hearing to decide whether to waive a youth to adult court because of a lack of variability in that there were too few Whites to conduct the analysis even when data was collapsed for the last two years. Almost all youth waived to adult court are Black.

Summary of Multivariate Results

- The overall findings indicate that at the front-end of the system, police and school referrals contribute significantly to the presence of Blacks in the juvenile justice system
- Disparities in referrals to the juvenile court have remained high (indeed they appear to be increasing) and efforts need to be made to divert youth and in particular, Blacks, away from coming into contact with the court.
- Signs of declines in the number of youth referred to detention appear to be evident and may be the result of initiatives taken by the Juvenile Court and the County, yet DMC at this stage in the proceedings is evident. Further Blacks charged with a person offense are more likely than other similarly situated youth to be detained.

- There is no evidence of race findings at court referral involving non-judicial decision outcomes from regression results.
- At adjudication, Black females have an increased likelihood of adjudication relative to White females net considerations of legal severity and other variables. Further, for Black youth charged with a person offense the likelihood of being adjudicated is reduced, whereas for White youth charged with a person offense the effect is positive and increases the odds of being adjudicated.
- Older Whites have decreased odds of receiving an out-of-home placement than other youth, including Blacks. White youth from a single-parent home are less likely to receive the more severe judicial disposition outcome than similarly situated Black youth.
- Due to the lack of variability (not enough White youth) the waiver hearing was not examined. That is, almost all youth waived to adult court are Black.

A summary of the DOJ and the two studies by the Equal Protection Monitor is provided on the next page.

Summary of RRI Data and Multivariate Logistic Regression for Three Studies

DOJ – Assessment Study (2005-2009, 2010 data)

| | RRI | Multivariate Results |
|----------------------------------|-----------|-----------------------------------|
| Referral to Court | Overrep. | |
| Secure Detention | Overrep | Blacks detained |
| Diversion | Underrep. | Blacks less likely to be diverted |
| Petition | Overrep. | Blacks more likely referred |
| Adjudication | Overrep. | |
| Confinement in secure facilities | Overrep. | |
| Out-of-Home Placement | | |
| Waiver/Transfer to Adult Court | Overrep. | Blacks more likely to be waived |

Leiber – 1st Assessment Study (July 1, 2012 - June 30, 2013 data)

| | RRI | Multivariate Results |
|----------------------------------|-------------------|---|
| Referral to Court | Overrep. increase | |
| Secure Detention | Overrep. decline | No race effect |
| Diversion | Underrep. steady | No race effect |
| Petition | Underrep. decline | Blacks more likely referred |
| Adjudication | Overrep. decline | Blacks with more charges adjudicated |
| Confinement in secure facilities | Underrep. decline | |
| Out-of-Home Placement | | Blacks who are older out-of-home, Whites who are older home, probation |
| Waiver/Transfer to Adult Court | Mostly Black | Blacks who are detained out-of-home Lack of variation to examine |

Leiber- 2nd Assessment Study (2013 data)

| | RRI | Multivariate Results |
|----------------------------------|-------------------|---|
| Referral to Court | Overrep. increase | |
| Secure Detention | Overrep. increase | Blacks involved in person crime detained |
| Diversion | Underrep. steady | No race effect |
| Petition | Overrep. steady | No race effect |
| Adjudication | Overrep. decline | Black females adjudicated Whites involved in person crime adjudicated |
| Confinement in secure facilities | Underrep. decline | |
| Out-of-Home Placement | | Whites who are older home/probation Whites from single-parent home/probation |
| Waiver/Transfer to Adult Court | Mostly Black | Lack of variation to examine |

Note: Trends of the RRI involve the examination of Table 1 from 2009 through 2013

In short, while positive steps have been taken, these findings support the points raised above (page 4) that continued improvement on the part of the Juvenile Court is needed. Furthermore and as stated previously in the first report, while it is acknowledged that efforts on the part of the Juvenile Court have been made, there is still a need for greater leadership or ownership of the DMC issues facing the juvenile court to ensure equality for all youth.

In the section to follow, specific provisions, action taken to address the provisions, the level of compliance, a discussion of the rating of compliance, recommendations, and expectations will be discussed. The following levels are useful for indicating movement toward compliance on the part of the Juvenile Court that is first detailed:

Substantial Compliance (SC) means that the Juvenile Court has implemented policies, procedures and programs; has trained staff and personnel; has sufficient staff to implement the required reform; has demonstrated a commitment toward reform; has identified points of contact, have met, collected data, analyzed the data, and attempted reform; has addressed data needs; has developed and utilized mechanisms to disseminate information; has identified and developed areas and stages in the system in need of reform; has developed a plan to evaluate and monitor reform, and has ascertained if reform achieved desired outcomes. All of this needs to be implemented and accomplished within time-lines as specified in the Agreement.

Partial Compliance (PC) means that the Juvenile Court has implemented policies, procedures and programs; has trained staff and personnel; has sufficient staff to implement the required reform; has demonstrated a commitment toward reform; has identified points of contact, have met, collected data, analyzed the data, and attempted reform; has addressed data needs; has developed and utilized mechanisms to disseminate information; has identified and developed areas and stages in the system in need of reform; has developed a plan to evaluate and monitor reform, and has ascertained if reform achieved desired outcomes. **However**, while progress has been made toward stated above items, performance has been inconsistent and/or incomplete throughout the monitoring period and additional modifications are needed to ensure a greater level of compliance.

Beginning Compliance (BC) means that the Juvenile Court has made initial efforts to implement the required reform and achieve the desired outcome of equal protection for all youth within the stated time-lines **but** significant work remains on many of facets of stated above items.

Non-Compliance (NC) means the Juvenile Court has not implemented policies, procedures and programs; has not trained staff and personnel; does not have sufficient staff to implement the required reform; has not demonstrated a commitment toward reform; has not identified points of contact, have not met, have not collected data, have not analyzed the data, and have not attempted reform; has not addressed data needs; has not developed and utilized mechanisms to disseminate information; has not identified and developed areas and stages in the system in need of reform; has not developed a plan to evaluate and monitor reform, and has not ascertained if reform achieved desired outcomes. This assessment is made within the context that the above

stated actions or inactions has not occurred within time-lines as specified in the Agreement.

Compliance Level to Be Determined (CLTBD) means that a decision on the compliance level is pending in light of deadlines of specific reforms as stated in the Agreement have not yet come or arrived – Nine-Months, One- Year- or have been given an extension.

Table 1 Compliance Rating by Provision

| Identifier | Provision | Compliance Rating |
|--------------------|---|--|
| 1a | Identify all data collection needs at each major Decision Point | PC |
| 1c | Identify staffing needs to collect, evaluate & report data | PC |
| 1e | JCMSC shall identify and designate a point of contact within each department to reduce DMC | PC |
| 1f | Collect data and information required to determine where DMC occurs | PC |
| 1d | Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC | SC |
| 1b (9 months) i-vi | JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction.... This includes information on points of contact, the RRI's, and available diversion options for youth appearing before JCMSC | PC – Assessment – Leiber PC – Staff reports |
| 1g (9 months) | Assess impact policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options... | BC |
| 1h (9 months) | Complete and implement strategic plan to reduce DMC | PC |

Table 1 continued

| Identifier | Provision | Compliance Rating |
|-----------------|---|---|
| 2a | Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments relating to its delinquency docket | BC/CLTBD |
| 2b | (i) Collection of sufficient data (ii) Provision requiring least restrictive options and alternatives to a detention setting (iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained (iv.) Guidelines identifying a list of infractions for which a child may be detained (v.) Training and guidance on the use of existing and new objective decision making tools (vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis | BC/CLTBD |
| 2c | Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction | CLTBD |
| 3a-h (9 months) | Use of objective decision-making tools, etc. Refine decision-making tools, etc. Pilot program – Sheriff’s department – transport Pilot program – Memphis Police Department – day/evening report center | CLTBD CLTBD BC CLTBD |

Table 1 continued

| Identifier | Provision | Compliance Rating |
|-----------------------|--|---|
| 4. Training | <p>Training on a number of pts (i-vii)</p> <p>Staff involved with the delinquency docket should receive training of at least 4 hours.</p> | PC |
| 5. Community Outreach | <p>Develop and implement a community outreach program to inform community of progress toward reforms. This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission.</p> <p>Open meeting every six months</p> <p>There is a need for summaries of reports to be posted</p> <p>JCMSC shall publish on its website annual reports in accordance with the Agreement.</p> <p>The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement.</p> <p>A community survey shall be conducted (one year)</p> | <p>BC</p> <p>BC</p> <p>BC</p> <p>SC</p> <p>BC/CLTBD</p> <p>BC/CLTBD</p> |

1. DMC Assessment

- (a) Identify all data collection needs at each major Decision Point (p. 21)
STATUS-PARTIAL COMPLIANCE
DISCUSSION-collection needs have been identified for each data point
But more needs to be done with the data, interpretation, action
- (c) Identify staffing needs to collect, evaluate & report data (p. 22)
STATUS-PARTIAL COMPLIANCE
DISCUSSION-listing of staffing and no issues have been identified concerning data collection but work needs to be done to make data useable for management purposes of DMC
- (e) JCMSC shall identify and designate a point of contact within each department to reduce DMC (p. 22).
STATUS-BEGINNING COMPLIANCE
DISCUSSION-points of contact have been identified. Although monthly meetings have taken place, problems still exist with understanding purpose and assuming an active role. Administration needs to play a more active part in taking charge of the Points of Contact in terms of objectives and use of data and information to address DMC.
- (f) Collect data and information required to determine where DMC occurs (p. 22)
STATUS-PARTIAL COMPLIANCE
DISCUSSION-information has been collected and examined in general and by zip code among other things (e.g., referring agency, schools, etc.). Specific information on detention, alternatives to detention, and transfer recommendations has been collected and analyzed. While data has been collected, lacking is a discussion of what the data means and what can be done to address DMC.
- (d) Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC (p. 22).
STATUS-SUBSTANTIAL COMPLIANCE
DISCUSSION-the DMC Coordinator was hired in February of 2013. Work has been done with Staff, the Points of Contact, development of reports and to some degree has been involved in community outreach. As stated in the first report, the DMC Coordinator and the Court Community Liaison need to work together more often as part of the community outreach stipulation.

1.DMC Assessment

- (b) Within nine months, JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction. This includes information on points of contact, the RRI, and available diversion options for youth appearing before JCMSC... (p. 22)

**STATUS-PARTIAL COMPLIANCE FOR EQUAL PROTECTION
MONITOR, PARTIAL COMPLIANCE FOR STAFF**

DISCUSSION-2nd assessment study was conducted by Leiber, process will continue with working relationship with Court to improve data examined. Staff has produced many documents using data and RRI. Listing of diversion programs has occurred. Interpretation and action with the data is needed.

- (g) Assess impact of policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options...(p. 22-23)

STATUS-BEGINNING COMPLIANCE

DISCUSSION-Listing of diversion alternatives has occurred. Assessment still needs to be conducted.

- (h) Complete and implement strategic plan to reduce DMC... (p. 23)

STATUS-PARTIAL COMPLIANCE

DISCUSSION-a strategic plan has been developed. Technical assistance was requested as to how to proceed. TA was completed by OJJDP for strategic planning and implementation in November 2013 and March 2014. Implementation should continue.

2.DMC Policies and Procedures

- (a) Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments relating to its delinquency docket. (p. 23)
- (b) Revision of the above to include: (p. 23)
- (i) Collection of sufficient data
 - (ii) Provision requiring least restrictive options and alternatives to a detention setting
 - (iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained
 - (iv.) Guidelines identifying a list of infractions for which a child may be detained
 - (v.) Training and guidance on the use of existing and new objective decision making tools
 - (vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis.

STATUS-BEGINNING COMPLIANCE/COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-information has been collected; adoption of objective instruments has been discussed and technical assistance has been requested. DAT is being validated; Grid has been implemented; training will be begin in late June for adoption of YASI.

2.DMC Policies and Procedures

- (c) Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction. (p. 24)

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-annual assessment should be coming in early 2015.

3.DMC Reduction: Evaluation and Tools (pg 24-26)

- (a) Use of objective decision-making tools, etc.
- (b) Refine decision-making tools, etc.

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-already discussed

- (c) Implementation of a pilot program involving police and the summons program

STATUS-BEGINNING COMPLIANCE

DISCUSSION-discussion and paperwork in place; evaluation needs to be part of effort

- (d) Use of alternatives, including a pilot diversion program to secure detention, day/evening reporting center, etc.

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-implementation of some tools/objective instruments have occurred or are in the process; discussions with Memphis Police Department to implement day/evening reporting centers has taken place. This arrangement could help reduce the number of referrals to juvenile court and detention if done correctly. Discussions need to translate into action – programs, alternatives, policies.

- (e) Monitor and evaluate Transfer Process
- (f) Continued collection of data to assess DMC and its causes
- (g) Points of Contact to evaluate monthly RRI and numbers at each point in the system and generate a management report
- (h) Annually review objective decision-making tools....

STATUS-these items have been discussed elsewhere

DISCUSSION-these items have discussed previously

4. Training (p. 26-27)

- (a) Training on a number of pts (i-vii)
- (b) Staff involved with the delinquency docket should receive training of at least 4 hours.

STATUS-PARTIAL COMPLIANCE

DISCUSSION-while several training sessions have occurred, training on certain programs is still in progress

5. Community Outreach as stated in Agreement

- (a) Develop and implement a community outreach program to inform community of progress toward reforms. This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission who are reflective of the cultural and ethnic diversity of the County. The consortium should also include at least two parents of children who have had children before the Court for a delinquency matter; a person under age 21 who had direct contact with the juvenile justice system and community advocates. (p. 33)

STATUS-BEGINNING COMPLIANCE

DISCUSSION-a county-wide Consortium has been formed and appears to be representative of the community; the Consortium needs direction and technical assistance and possibly new leadership and members to develop a strategy and goals; the DMC Coordinator and the Court need to play an active role but not control the Consortium. Members should be removed and/or added based on willingness to be an active participant.

- (b) A number of other criteria that focus on at least one open meeting every six months and the publicizing of the meeting and the posting. (p. 33)

STATUS-BEGINNING COMPLIANCE

DISCUSSION-a 2nd public meeting was held in January. The date for the next public meeting has been planned for June 23, 2014. Meetings need to be held every 6 months.

- (c) There is a need for summaries of reports completed pursuant to the Agreement and made available to the community prior to the meeting- to be posted (p. 34)

STATUS-BEGINNING COMPLIANCE

DISCUSSION-this appears to have occurred

- (d) JCMSC shall publish on its website annual reports in accordance with the Agreement.

STATUS-SUBSTANTIAL COMPLIANCE

DISCUSSION-these activities have occurred

- (e) The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement. (p. 34)

STATUS-BEGINNING COMPLIANCE/COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-a dashboard has not yet occurred. The Court has created a website, postings exist as well as the agreement and reports. Additional data is also presented. Further, a Facebook page and other social mechanisms have been created – pamphlet, Twitter account. Presentations have also occurred within the community. A Summit is planned for late June 2014. Both the DMC Coordinator and the Community Outreach Representative for the Court have been active in the community in terms of presentations and sitting on committees. The dashboard needs to be created and other interactive mechanisms need to be included on the webpage, including active links to completed portions of the site. Things such as more graphs with color indicators showing progress, no progress, etc. by decision points, for example, could be informative for the public. May want to look at other sites – Burns Institute, TABLEAU- for examples as to improve the webpage.

- (f) A community survey shall be conducted (**one year**) (p. 34)
The survey should measure public satisfaction, attitudes among court personnel and community members both within Memphis and the County and should be representative of gender, race/ethnicity.

STATUS-BEGINNING COMPLIANCE/COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-a Community Outreach policy has been developed and a number of activities in the community have taken place. A survey of the community was to have already taken place; but a contract has been awarded and a study is in the process of being conducted.